



OFFICE OF  
INSURANCE COMMISSIONER

2058 08/03/00

\$645.00

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the matter of

**The Lutheran Church-Missouri  
Synod Foundation**

St. Louis, Missouri

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No. D 2000- 58

STIPULATIONS, FINDINGS,

CONSENT AND ORDER

RECEIVED  
AUG 04 2000  
INSURANCE COMMISSIONER  
COMPANY SUPERVISION

The Lutheran Church-Missouri Synod Foundation is a charitable organization and has been issuing charitable gift annuities in the State of Washington, and is therefore governed by Title 48 RCW.

This administrative action is based on allegations by the Commissioner's staff that The Lutheran Church-Missouri Synod Foundation violated RCW 48.05.030 and Chapter 48.38 RCW, by the activity described in the following numbered paragraphs. To resolve only the issues identified in the following numbered paragraphs, to eliminate the necessity for a hearing, and as a negotiated settlement of the Commissioner's allegations, The Lutheran Church-Missouri Synod Foundation has voluntarily executed the Consent to Order contained herein and stipulates to the entry of the Order contained herein.

STIPULATIONS

1. RCW 48.05.030 provides that no person shall act as an insurer nor transact insurance in this state other than as authorized by a certificate of authority issued to it by the Commissioner.
2. RCW 48.11.020 defines life insurance as including the granting of annuities.
3. Chapter 48.38 RCW provides that certain charitable organizations upon complying with the provisions of the Chapter may, after receiving a certificate of exemption from the Commissioner, conduct a charitable gift annuity business and be exempted from most of the provisions of Title 48 RCW.

Stipulations, Findings, Consent and Order-1



4. Beginning in December 1987 The Lutheran Church-Missouri Synod Foundation has issued 44 annuities without having been properly licensed to do so.

### FINDINGS

1. The Commissioner finds that The Lutheran Church-Missouri Synod Foundation, by and through the conduct described above, has violated RCW 48.05.030 and Chapter 48.38 RCW.
2. The Commissioner further finds that RCW 48.38.050 authorizes the Commissioner to refuse to issue a Certificate of Exemption to The Lutheran Church-Missouri Synod Foundation, for failing to comply with the provisions of Chapter 48.38 RCW.
3. The Commissioner further finds that RCW 48.38.050 authorizes, that in lieu of the refusal to issue a Certificate of Exemption, the Commissioner may assess a fine of not more than \$10,000.

### CONSENT TO ORDER

Based on the above and foregoing stipulations, The Lutheran Church-Missouri Synod Foundation consents to pay the sum of \$325 being the \$25 annual fee for the 13 years it would have had to pay the fee if had been properly licensed, the sum of \$220 being the \$5 fee for each annuity that it issued if it had been properly licensed, and a fine in the amount One Hundred Dollars and 00/100 (\$100), for a total amount of \$645.

Based on the above and foregoing stipulations, The Lutheran Church-Missouri Synod Foundation voluntarily consents to the following order to resolve the issues and alleged conduct described herein and with the understanding that the payment of the amount levied against The Lutheran Church-Missouri Synod Foundation is a condition of the issuance of a Certificate of Exemption to The Lutheran Church-Missouri Synod Foundation for the conduct described herein.

Based on the above and foregoing stipulations, The Lutheran Church-Missouri Synod Foundation acknowledges its duty and obligation to fully comply with the applicable laws and regulations of the State of Washington.

Signed this 26<sup>th</sup> day of July 2000.  
**The Lutheran Church-Missouri Synod Foundation**  
by: Wayne R. Price  
Title: Wayne R. Price, Senior Vice President

**ORDER**

IT IS ORDERED that pursuant to RCW 48.38.050 and the foregoing Stipulations, Findings, and Consent to Order, The Lutheran Church-Missouri Synod Foundation pay a total sum in the amount of Six Hundred Forty Five Dollars and 00/100 (\$645) for the activity described in the foregoing Stipulation.

IT IS FURTHER ORDERED that in the event that this sum is not paid within 30 days from the date of this order, the sum will be recoverable in a civil action brought on behalf of the Insurance Commissioner by the Attorney General, pursuant to RCW 48.05.185.

SIGNED AND ENTERED THIS 8 day of August 2000.

DEBORAH SENN  
Insurance Commissioner

By: 

JAMES T. ODIORNE  
Deputy Commissioner